

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA**

GREGORY PAUL STODGHILL,)
)
)
Petitioner,)
)
vs.) 1:12-mc-0110-TWP-TAB
)
)
UNITED STATES OF AMERICA, et al.,)
)
)
Respondents.)

E N T R Y

There is one and only one means by which to commence a civil action in federal court. That means is through the filing of a complaint. *In re Allied Signal Corp.*, 915 F.2d 190, 192 (6th Cir. 1990) (“an action is commenced with the filing of a complaint rather than a motion”); 1 James Wm. Moore et al., MOORE'S FEDERAL PRACTICE § 3.02[1] (3d ed.2000) (“an action is not commenced by . . . filing a motion with the court . . .”).

I.

Mr. Stodghill's motion for writ for declaratory challenge [Dkt. 1] is **denied** because the motion is not a complaint. Accordingly, the court cannot act upon the motion which has been filed. According to Rule 3 of the Federal Rules of Civil Procedure, a civil action is commenced upon the filing of a complaint with the court. If Mr. Stodghill wishes to file a lawsuit, he must file a complaint, and in doing so he shall be guided by the following: (a) the complaint shall comply with the requirement of Rule 8(a)(2) of the Federal Rules of Civil Procedure that pleadings

contain "a short and plain statement of the claim showing that the pleader is entitled to relief. . . ."; (b) the complaint shall comply with the requirement of Rule 10 that the allegations in a complaint be made in numbered paragraphs, each of which should recite, as far as practicable, only a single set of circumstances; (c) the complaint must identify what legal injury he claims to have suffered and what persons are responsible for each such legal injury; and (d) the complaint shall contain a clear statement of the relief which is sought. If a complaint is submitted as directed in the preceding paragraph, Mr. Stodghill should place the above cause number on it and the court will direct its further processing as warranted.

II.

The petitioner's motion to proceed *in forma pauperis* [Dkt. 2] is **denied without prejudice**. The court will reconsider the motion for leave to proceed *in forma pauperis* in the event that a complaint is filed consistent with the directions set forth in Part I of this Entry.

IT IS SO ORDERED.

Date: 01/29/2013

Distribution:

Gregory Paul Stodghill
152 North Hebert Road
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Tanya Walton Pratt
Hon. Tanya Walton Pratt, Judge
United States District Court
Southern District of Indiana